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| 10/642,928 | 08/18/2003 | Ray Y. Lai | 5681-66300 | 3868 |

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MHKKG/SUN
P.O. BOX 398
AUSTIN, TX 78767

| EXAMINER |
|---|
| SHAW, PELING ANDY |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 10/642,928 | LAI, RAY Y. |
| | **Examiner** | **Art Unit** |
| | Peling A. Shaw | 2144 |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on <u>19 November 2007</u>.

2a) ☐ This action is **FINAL**.       2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) <u>18-55</u> is/are pending in the application.

    4a) Of the above claim(s) <u>1-17 and 56-80</u> is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>18-55</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>08/18/2003</u> is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

P4S

## DETAILED ACTION

1.      Claims 18-55 have been examined.

2.      Claims 1-17 and 56-80 can be files as Divisional Applications.

### *Priority*

3.      This application has no priority claim made. The filing date is 08/18/2003.

### *Drawings*

4.      New corrected drawings in compliance with CFR 1.121(d) are required in this application

because shading makes text unreadable. Applicant is advised to employ the services of a

competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no

longer prepares new drawings. The corrected drawings are required in reply to the Offic action to

avoid abandonment of the application. The requirement for corrected drawings will not be held

in abeyance.

### *Double Patenting*

5.      The nonstatutory double patenting rejection is based on a judicially created doctrine
grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or
improper timewise extension of the "right to exclude" granted by a patent and to prevent possible
harassment by multiple assignees.  See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed.
Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686
F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA
1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

        A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to
overcome an actual or provisional rejection based on a nonstatutory double patenting ground
provided the conflicting application or patent is shown to be commonly owned with this
application.  See 37 CFR 1.130(b).

        Effective January 1, 1994, a registered attorney or agent of record may sign a terminal
disclaimer.  A terminal disclaimer signed by the assignee must fully comply with 37
CFR 3.73(b).

Claims 18-28, 33, 35, 37-46, 51, 53 and 55 are provisionally rejected under the judicially

created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3, 8-

10 and 13-17 of copending Application No. 10/692,913.

Although the conflicting claims are not identical, they are not patentably distinct from

each other because the independent copending claims and the independent presented claims

differ only with respect to the specification of more detail computer-implemented steps of subnet

address space and mask request, allocation and management per subnet address space manager

and subnet address manger. Thus, the set of presented claims comprise a majority of subject

matter which is expressly disclosed and claimed by copending Application No. 10/692,913, and

further, since the differences between the copending claims and the presented claims would have

been an obvious variation of the copending application, minimally based on the contained

teachings, "subnet address space request", "subnet address space allocation", "subnet address

space management" and potentially other rationale (see, inter alia, MPEP §2144.04).

### Claim Rejections - 35 USC § 101 Utility

6. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
> any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
> requirements of this title.

Claims 38-55 are rejected under 35 U.S.C. 101 because the claimed invention is directed to

non-statutory subject matter.

a. Claim 38 recites the limitation of "A computer-accessible medium ..." that is

described in applicant's Conclusion on pages 241-242 as "carrier medium" that could

include storage media as well as transmission media or signal via a communication

medium. The cited portion of the specification provides intrinsic evidence that

Applicant intends for the phrase carrier medium as used in the claims to include both "storage or memory media" and transmission media, where the transmission media includes signals, in addition to anything else which would have reasonably been considered to be a carrier medium by one of ordinary skill in the art. As such, the claim covers embodiments directed to signals, per se. Since a signal lacks the necessary physical articles or objects necessary for it to be a machine or a manufacture within the meaning of 35 USC 101, and it's clearly not a series of steps or acts so as to be a process or combination of two or more substances so as to be a composition of matter, it fails to fall within a statutory category. Since the claim is not limited to embodiments eligible for patent protection, it is being rejected as non-statutory as directed to a form of energy rather than a patent-eligible machine, manufacture, process or composition of matter. Claim 38 and its dependent claims 39-55 are thus rejected.

b. For the purpose of applying art, claims 38-55 are read as with the limitation of "A computer-accessible storage media ..." instead of "A computer-accessible medium ..."

Appropriate corrections are required.

## *Claim Rejections - 35 USC § 102*

7.      The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action: · · ·

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section
122(b), by another filed in the United States before the invention by the applicant for patent
or (2) a patent granted on an application for patent by another filed in the United States
before the invention by the applicant for patent, except that an international application filed
under the treaty defined in section 351(a) shall have the effects for purposes of this
subsection of an application filed in the United States only if the international application
designated the United States and was published under Article 21(2) of such treaty in the
English language.

Claims 18-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Jim Conallen

(Building Web Applications with UML: Second Edition, October 10, 2002), hereinafter

referred as Jim.

a.  Regarding claim 18, Jim disclosed a system for generating a vendor-independent Web

Service architecture (page 65: using UDDI, a standard for publishing and describing

Web services) comprising a plurality of heterogeneous components (page 425: web

server a most likely a commodity component, such as Tomcat, WebSphere, Web

Logic and IIS), comprising: means for generating one or more Use Cases for the Web

Service in accordance with one or more design patterns (Fig. 6-11 on page 115:

develop use case model; page 173: use case to describe system behavior; Fig. 8-5 on

page 178: browse catalog use case; page 120: design workflow; pages 179-183:

modeling in UML ); means for generating a high-level architecture for the Web

Service (Fig. 8-4 on page 176: top-level use case diagram) and in accordance with the

one or more design patterns (Fig. 8-7 on page 181: browse catalog flow sequence),

wherein the high-level architecture identifies two or more entities of the Web Service

(Fig. D-3 on page 425: main analysis of class diagram in screen components; page

438: entity-tier-and-data-tier) and the relationships and interactions among the entities

(page 177: relationship between use cases); and means for generating a logical

architecture for the Web Service according to the use case scenarios and in

accordance with the one or more design patterns (page 237: logical view of UML,

server page and client page), wherein the logical architecture identifies two or more

logical components of the Web Service (Fig. 11-4 on page 241: multiple forms in

client pages) and the relationship among the logical components (Fig. 11-3 on page

239: relationship among WAE elements; Fig. 11-5 on page 241: simple client page

link association; Fig. 11-6: link associations originating from client page), and

wherein the logical architecture comprises two or more layers (Table 11-1 on page

239: HTTP, HTML; pages 240 and 242: component view e.g. JSP. ASPX, ASCX,

XML).

b. Regarding claim 19, Jim disclosed the system as recited in claim 18, wherein the Web

Service architecture incorporates Quality of Services including reliability, scalability,

and availability on the Web Service system (pages 99 and 127: quality assurance,

human critical Web application, testing, acceptable defect count; pages 9-10: Web

application build and extend a Web system to add business functions).

Jim disclosed all limitations of claims 18-19. Claims 18-19 are rejected under 35 U.S.C.

102(e).

8.      Claims 20-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Jim.

a. Regarding claim 20, Jim disclosed a method, comprising: generating a vendor-
   independent Web Service architecture (page 65: using UDDI, a standard for
   publishing and describing Web services) comprising a plurality of heterogeneous
   components (page 425: web server a most likely a commodity component, such as
   Tomcat, WebSphere, Web Logic and IIS) in accordance with one or more design
   patterns (Fig. 6-11 on page 115: develop use case model; page 173: use case to
   describe system behavior), wherein said generating a vendor independent Web
   Services architecture comprises: generating one or more Use Cases for the Web
   Service (Fig. 8-5 on page 178: browse catalog use case; page 120: design workflow;
   pages 179-183: modeling in UML ); generating a high-level architecture for the Web
   Service (Fig. 8-4 on page 176: top-level use case diagram), wherein the high-level
   architecture identifies two or more entities of the Web Service (Fig. D-3 on page 425:
   main analysis of class diagram in screen components; page 438: entity tier and data
   tier) and the relationships and interactions among the entities (page 177: relationship
   between use cases); generating a logical architecture for the Web Service according to
   the use case scenarios (page 237: logical view of UML, server page and client page),
   wherein the logical architecture identifies two or more logical components of the Web
   Service (Fig. 11-4 on page 241: multiple forms in client pages) and the relationship
   among the logical components (Fig. 11-3 on page 239: relationship among WAE
   elements; Fig. 11-5 on page 241: simple client page link association; Fig. 11-6: link
   associations originating from client page), and wherein the logical architecture
   comprises two or more layers (Table 11-1 on page 239: HTTP, HTML; pages 240

and 242: component view e.g. JSP. ASPX, ASCX, XML); and implementing the Web
Service according to the Web Service architecture (pages 9-10 and Fig. 2-1: build
Web application based a basic web system on a Web Server).

b. Regarding claim 21, Jim disclosed the method as recited in claim 20, wherein said
generating a high-level architecture for the Web Service comprises identifying one or
more Open Standards protocols for use in said interactions among the entities (page
13: implement Web system with HTML over TCP/IP in OSI model for network
communication).

c. Regarding claim 22, Jim disclosed the method as recited in claim 20, wherein the
Web Service architecture incorporates Quality of Services including reliability,
scalability, and availability on the Web Service (pages 99 and 127: quality assurance,
human critical Web application, testing, acceptable defect count; pages 9-10: Web
application build and extend a Web system to add business functions).

d. Regarding claim 23, Jim disclosed the method as recited in claim 20, wherein the
entities comprise: a service provider configured to provide one or more services on
the Web Service; and one or more service requesters configured to access the one or
more services from the service provider via a network (pages 22-23: client register,
Web site accept, client request Web pages from Web sites).

e. Regarding claim 24, Jim disclosed the method as recited in claim 23, wherein the
entities further comprise a service broker configured to interact with the service
provider and service requester to negotiate and provide the services of the service

provider to the service requester (pages 22-23: client register, Web site accept, client request Web pages from Web sites).

f.  Regarding claim 25, Jim disclosed the method as recited in claim 23, wherein the entities further comprise a service registry, wherein the service provider is further configured to register and publish the services in the service registry, and wherein the service requester is further configured to discover the service provider through the service registry (pages 65-67, Fig. 4-6: UDDI registry for publish, describing and register Web service).

g.  Regarding claim 26, Jim disclosed the method as recited in claim 23, wherein the Web Service is a Business-to-Consumer Web Service, wherein the service provider is a business service provider, and wherein the service requester is an end user (pages 22-23: client register, Web site accept, client request Web pages from Web sites).

h.  Regarding claim 27, Jim disclosed the method as recited in claim 23, wherein the Web Service is a Business-to-Business Web Service, wherein the service provider is a business service provider, and wherein the service requester is a server (pages 22-23: application server vs. Web server).

i.  Regarding claim 28, Jim disclosed the method as recited in claim 23, wherein the layers of the logical architecture comprise two or more of: a network layer configured to serve as an underlying network for services (pages 84-85: MIME; page 13: TCP/IP); a transport layer for delivering messages between components of the Web Service (pages 10 and 13: HTTP); a service description language layer configured to describe service type and functionality of the services of the service provider (pages

66-67: WDSL); a transaction routing layer configured to route messages on the

transport layer (page 13: TCP); a service discovery layer configured to search for and

locate services (pages 10 and 13: HTTP); a service negotiation layer configured to

negotiate exchanges between the service requesters and the service provider (pages

22-23: client register, Web site accept, client request Web pages from Web sites); a

management layer configured for provisioning of the services and for monitoring and

administration of the services (page 221: analysis team identifies objects and classes

of objects that can collaborate to perform the required behavior of system; pages 65-

67, Fig. 4-6: using UDDI for publishing, describing discovery and integrate services);

a Quality of Service layer configured to provide reliability, scalability, and

availability on the Web Service (pages 99 and 127: quality assurance, human critical

Web application, testing, acceptable defect count; pages 9-10: Web application build

and extend a Web system to add business functions); a security layer configured to

provide authentication, entitlement, and non-repudiation security on the transport

layer (page 87: SET and SSL for security protection); and an Open Standards layer

(page 13: implement Web system with HTML over TCP/IP in OSI model for network

communication).

j. Regarding claim 29, Jim disclosed the method as recited in claim 28, wherein the

Open Standards layer is XML (page 64: SOAP built on top of XML).

k. Regarding claim 30, Jim disclosed the method as recited in claim 28, wherein the

network layer is the public Internet over TCP/IP (page 13, TCP over IP).

l.  Regarding claim 31, Jim disclosed the method as recited in claim 28, wherein the

transport layer is one of HTTP, SMTP, and SOAP over HTTP (page 13: implement

Web system with HTML over TCP/IP in OSI model for network communication).

m.  Regarding claim 32, Jim disclosed the method as recited in claim 20, wherein the

design patterns include one or more of: one or more scalability design patterns; one or

more reliability design patterns (page 115, Fig. 6-11: performance); one or more

manageability design patterns (pages 182-183, Fig. 8-8, 8-9 and 8-10: manage new

account);one or more availability design patterns (page 115, Fig. 6-11: availability);

and one or more security design patterns (page 115, Fig. 6-11: security and policy,

security mechanism).

n.  Regarding claim 33, Jim disclosed the method as recited in claim 20, wherein the

design patterns include one or more of: one or more Quality of Services design

patterns; one or more Integration design patterns (pages 176 and 178, Fig. 8-4 and 8-

5: top level use case for e-retail and browse catalog activity use case); and one or

more Security design patterns.

o.  Regarding claim 34, Jim disclosed the method as recited in claim 33, wherein the

Quality of Services design patterns include one or more of: a SOAP Cache Design

Pattern; a Java Message Service (JMS) Bridge Design Pattern; a Multiple Servlet

Engines Design Pattern; an HTTP Load Balancer Design Pattern;a State Management

Design Pattern (page 23: client state management; page 412, Fig. 2, basic flow

scenario); a SOAP Logger Design Pattern; a High Availability of Service Registry

Design Pattern; a UDDI Deployment Design Pattern; a Publish, Unpublish, and

Discover Web Services Design Pattern; a Version Management of Deployment and

Service Registry Design Pattern; and a Registry Content Management Design Pattern.

p. Regarding claim 35, Jim disclosed the method as recited in claim 33, wherein the

Integration design patterns include one or more of: an Application-to-Application

Design Pattern (page 176-178: user case for e-retail includes check order status,

browse catalog, check out, process payment and ship order); a Standard Build Design

Pattern; a Hub-Spoke Replication Design Pattern; a Federated Replication Design

Pattern; a Multi-Step Application Integration Design Pattern (pages 176 and 178, Fig.

8-4 and 8-5: top level use case for e-retail and browse catalog activity use case); a

Data Exchange Design Pattern; a Closed Process Integration Design Pattern; an Open

Process Integration Design Pattern; a Service Consolidation-Broker Integration

design pattern; and a Reverse Auction-Broker Integration design pattern.

q. Regarding claim 36, Jim disclosed the method as recited in claim 33, wherein the

Security design patterns include one or more of: a Single Sign-on Design Pattern

(pages 182-183, Fig. 8-8 and 8-9: sign use case); and a Messaging Transport Design

Pattern (page 413, Fig. C-3: new controller scenario.

r. Regarding claim 37, Jim disclosed the method as recited in claim 20, wherein the

logical architecture further comprises a plurality of tiers, wherein the tiers comprise

two or more of: a client tier (page 431); a presentation tier (page 435); a business tier

(page 115: business requirement); an integration tier (page 122, Fig. 6-15); and a

resource tier (pages 115 and 438-439).

Jim disclosed all limitations of claims 20-37. Claims 20-37 are rejected under 35 U.S.C.

102(e).

9.      Claims 38-55 are rejected under 35 U.S.C. 102(e) as being anticipated by Jim.

        a.  Regarding claim 38, Jim disclosed a computer-accessible medium comprising

            program instructions (pages 9-10 and Fig. 2-1: basic web system consists of Web

            application built on Web system on a Web Server), wherein the program instructions

            are configured to implement: generating a vendor-independent Web Service

            architecture (page 65: using UDDI, a standard for publishing and describing Web

            services) comprising a plurality of heterogeneous components (page 425: web server

            a most likely a commodity component, such as Tomcat, WebSphere, Web Logic and

            IIS) in accordance with one or more design patterns (Fig. 6-11 on page 115: develop

            use case model; page 173: use case to describe system behavior), wherein said

            generating a vendor-independent Web Services architecture comprises: generating

            one or more Use Cases for the Web Service (Fig. 8-5 on page 178: browse catalog

            use case; page 120: design workflow; pages 179-183: modeling in UML ); generating

            a high-level architecture for the Web Service (Fig. 8-4 on page 176: top-level use

            case diagram), wherein the high-level architecture identifies two or more entities of

            the Web Service (Fig. D-3 on page 425: main analysis of class diagram in screen

            components; page 438: entity tier and data tier) and the relationships and interactions

            among the entities (page 177: relationship between use cases); generating a logical

            architecture for the Web Service according to the use case scenarios (page 237:

            logical view of UML, server page and client page), wherein the logical architecture

identifies two or more logical components of the Web Service (Fig. 11-4 on page

241: multiple forms in client pages) and the relationship among the logical

components (Fig. 11-3 on page 239: relationship among WAE elements; Fig. 11-5 on

page 241: simple client page link association; Fig. 11-6: link associations originating

from client page), and wherein the logical architecture comprises two or more layers

(Table 11-1 on page 239: HTTP, HTML; pages 240 and 242: component view e.g.

JSP. ASPX, ASCX, XML); and implementing the Web Service according to the Web

Service architecture (pages 9-10 and Fig. 2-1: build Web application based a basic

web system on a Web Server).

b.  Regarding claim 39, Jim disclosed the computer-accessible medium as recited in

    claim 38, wherein, in said generating a high-level architecture for the Web Service,

    the program instructions are further configured to implement identifying one or more

    Open Standards protocols for use in said interactions among the entities (page 13:

    implement Web system with HTML over TCP/IP in OSI model for network

    communication).

c.  Regarding claim 40, Jim disclosed the computer-accessible medium as recited in

    claim 38, wherein the Web Service architecture incorporates Quality of Services

    including reliability, scalability, and availability on the Web Service (pages 99 and

    127: quality assurance, human critical Web application, testing, acceptable defect

    count; pages 9-10: Web application build and extend a Web system to add business

    functions).

d.  Regarding claim 41, Jim disclosed the computer-accessible medium as recited in

claim 38, wherein the entities comprise: a service provider configured to provide one

or more services on the Web Service; and one or more service requesters configured

to access the one or more services from the service provider via a network (pages 22-

23: client register, Web site accept, client request Web pages from Web sites).

e.  Regarding claim 42, Jim disclosed the computer-accessible medium as recited in

claim 41, wherein the entities further comprise a service broker configured to interact

with the service provider and service requester to negotiate and provide the services

of the service provider to the service requester (pages 22-23: client register, Web site

accept, client request Web pages from Web sites).

f.  Regarding claim 43, Jim disclosed the computer-accessible medium as recited in

claim 41, wherein the entities further comprise a service registry, wherein the service

provider is further configured to register and publish the services in the service

registry, and wherein the service requester is further configured to discover the

service provider through the service registry (pages 65-67, Fig. 4-6: UDDI registry

for publish, describing and register Web service).

g.  Regarding claim 44, Jim disclosed the computer-accessible medium as recited in

claim 41, wherein the Web Service is a Business-to-Consumer Web Service, wherein

the service provider is a business service provider, and wherein the service requester

is an end user (pages 22-23: client register, Web site accept, client request Web pages

from Web sites).

h. Regarding claim 45, Jim disclosed the computer-accessible medium as recited in claim 41, wherein the Web Service is a Business-to-Business Web Service, wherein the service provider is a business service provider, and wherein the service requester is a server (pages 22-23: application server vs. Web server).

i. Regarding claim 46, Jim disclosed the computer-accessible medium as recited in claim 41, wherein the layers of the logical architecture comprise two or more of: a network layer configured to serve as an underlying network for services (pages 84-85: MIME; page 13: TCP/IP); a transport layer for delivering messages between components of the Web Service (pages 10 and 13: HTTP); a service description language layer configured to describe service type and functionality of the services of the service provider (pages 66-67: WDSL); a transaction routing layer configured to route messages on the transport layer (page 13: TCP); a service discovery layer configured to search for and locate services (pages 10 and 13: HTTP); a service negotiation layer configured to negotiate exchanges between the service requesters and the service provider (pages 22-23: client register, Web site accept, client request Web pages from Web sites); a management layer configured for provisioning of the services and for monitoring and administration of the services (page 221: analysis team identifies objects and classes of objects that can collaborate to perform the required behavior of system; pages 65-67, Fig. 4-6: using UDDI for publishing, describing discovery and integrate services); a Quality of Service layer configured to provide reliability, scalability, and availability on the Web Service (pages 99 and 127: quality assurance, human critical Web application, testing, acceptable defect count;

pages 9-10: Web application build and extend a Web system to add business functions); a security layer configured to provide authentication, entitlement, and non-repudiation security on the transport layer (page 87: SET and SSL for security protection); and an Open Standards layer (page 13: implement Web system with HTML over TCP/IP in OSI model for network communication).

j.  Regarding claim 47, Jim disclosed the computer-accessible medium as recited in claim 46, wherein the Open Standards layer is XML (page 64: SOAP built on top of XML).

k.  Regarding claim 48, Jim disclosed the computer-accessible medium as recited in claim 46, wherein the network layer is the public Internet over TCP/IP (page 13, TCP over IP).

l.  Regarding claim 49, Jim disclosed the computer-accessible medium as recited in claim 46, wherein the transport layer is one of HTTP, SMTP, and SOAP over HTTP (page 13: implement Web system with HTML over TCP/IP in OSI model for network communication).

m.  Regarding claim 50, Jim disclosed the computer-accessible medium as recited in claim 38, wherein the design patterns include one or more of: one or more scalability design patterns; one or more reliability design patterns (page 115, Fig. 6-11: performance);one or more manageability design patterns (pages 182-183, Fig. 8-8, 8-9 and 8-10: manage new account); one or more availability design patterns (page 115, Fig. 6-11: availability); and one or more security design patterns (page 115, Fig. 6-11: security and policy, security mechanism).

n.  Regarding claim 51, Jim disclosed the computer-accessible medium as recited in

claim 38, wherein the design patterns include one or more of: one or more Quality of

Services design patterns; one or more Integration design patterns (pages 176 and 178,

Fig. 8-4 and 8-5: top level use case for e-retail and browse catalog activity use case);

and one or more Security design patterns.

o.  Regarding claim 52, Jim disclosed the  computer-accessible medium as recited in

claim 51, wherein the Quality of Services design patterns include one or more of: a

SOAP Cache Design Pattern; a Java Message Service (JMS) Bridge Design Pattern; a

Multiple Servlet Engines Design Pattern;an HTTP Load Balancer Design Pattern; a

State Management Design Pattern (page 23: client state management; page 412, Fig.

2, basic flow scenario); a SOAP Logger Design Pattern; a High Availability of

Service Registry Design Pattern; a UDDI Deployment Design Pattern; a Publish,

Unpublish, and Discover Web Services Design Pattern;a Version Management of

Deployment and Service Registry Design Pattern; and a Registry Content

Management Design Pattern.

p.  Regarding claim 53, Jim disclosed the computer-accessible medium as recited in

claim 51, wherein the Integration design patterns include one or more of: an

Application-to-Application Design Pattern (page 176-178: user case for e-retail

includes check order status, browse catalog, check out, process payment and ship

order); a Standard Build Design Pattern; a Hub-Spoke Replication Design Pattern; a

Federated Replication Design Pattern; a Multi-Step Application Integration Design

Pattern (pages 176 and 178, Fig. 8-4 and 8-5: top level use case for e-retail and

browse catalog activity use case); a Data Exchange Design Pattern;a Closed Process

Integration Design Pattern; an Open Process Integration Design Pattern;a Service

Consolidation-Broker Integration design pattern; and a Reverse Auction-Broker

Integration design pattern.

q.  Regarding claim 54, Jim disclosed the computer-accessible medium as recited in

claim 51, wherein the Security design patterns include one or more of: a Single Sign-

on Design Pattern (pages 182-183, Fig. 8-8 and 8-9: sign use case); and a Messaging

Transport Design Pattern (page 413, Fig. C-3: new controller scenario).

r.  Regarding claim 55, Jim disclosed the computer-accessible medium as recited in

claim 38, wherein the logical architecture further comprises a plurality of tiers,

wherein the tiers comprise two or more of: a client tier (page 431); a presentation tier

(page 435); a business tier (page 115: business requirement); an integration tier (page

122, Fig. 6-15); and a resource tier (pages 115 and 438-439).

Jim disclosed all limitations of claims 38-55. Claims 38-55 are rejected under 35 U.S.C.

102(e).

*Examiner's Comment*

10.      Office action dated 10/17/2007 indicated Applicant's previous response dated 07/30/2007

was non-responsive. Applicant's remarks dated 11/19/2007 are noted. Examiner did miss

applicant's election of application as per Applicant's response dated 07/30/2007. Claims 18-55

are elected. Claims 1-17 and 56-80 should be indicated as having been cancelled in response to

the current office action.

## *Conclusion*

11.    The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to the enclosed PTO-892 for details.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peling A. Shaw whose telephone number is (571) 272-7968. The examiner can normally be reached on M-F 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the statu9s of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peling A Shaw
Patent Examiner
Art Unit 2144

pas